

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

SEAN COLEMAN,

Plaintiff

v.

C-1-05-700

WARDEN MICHAEL P. RANDLE, *et al.*,

Defendants

**ORDER**

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 42) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 42) is hereby **ADOPTED AND INCORPORATED HEREIN BY REFERENCE**. Defendants' Motions to Dismiss (doc. nos. 33 and 34) are **GRANTED**.

Pursuant to 28 U.S.C. §§ 1915(a), this Court certifies that an appeal from this Order would not be taken in good faith for purposes of granting petitioner leave to appeal *in forma pauperis*. See *Fed. R. App. 24(a)*; *Kincade v. Sparkman*, 117 F.3d 949, 952 (1997).

This case is **TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court